

House File 2233 - Introduced

HOUSE FILE 2233

BY HALL

A BILL FOR

1 An Act relating to sexual abuse and sexual exploitation by a
2 counselor, therapist, or school employee, related penalties,
3 and the time within which actions may be brought for damages
4 for such injury.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 12, Code 2016, is
2 amended to read as follows:

3 12. *Sexual abuse or sexual exploitation by a counselor,*
4 *therapist, or school employee.* An action for damages for
5 injury suffered as a result of sexual abuse, as defined in
6 section 709.1, by a counselor, therapist, or school employee,
7 as defined in [section 709.15](#), or as a result of sexual
8 exploitation by a counselor, therapist, or school employee
9 shall be brought within five ten years of the date the victim
10 was last treated by the counselor or therapist, or within
11 five ten years of the date the victim was last enrolled in or
12 attended the school, or, if the victim was a minor when the
13 sexual abuse or sexual exploitation occurred, within ten years
14 of the date the victim attains the age of eighteen.

15 Sec. 2. Section 614.8, subsection 2, Code 2016, is amended
16 to read as follows:

17 2. Except as provided in section 614.1, ~~subsection~~
18 subsections 9 and 12, the times limited for actions in this
19 chapter, or [chapter 216](#), [669](#), or [670](#), except those brought for
20 penalties and forfeitures, are extended in favor of minors,
21 so that they shall have one year from and after attainment of
22 majority within which to file a complaint pursuant to chapter
23 216, to make a claim pursuant to [chapter 669](#) or 670, or to
24 otherwise commence an action.

25 Sec. 3. Section 709.15, subsection 1, paragraph f, Code
26 2016, is amended by striking the paragraph and inserting in
27 lieu thereof the following:

28 *f.* (1) "*School employee*" means any of the following, except
29 as provided in subparagraph (2):

30 (a) A person who holds a license, certificate,
31 authorization, or statement of professional recognition issued
32 by the board of educational examiners under chapter 272.

33 (b) A person employed by a school district or nonpublic
34 school full-time or part-time.

35 (c) A contract employee of a school district or nonpublic

1 school who has significant contact with students enrolled in
2 the school district or nonpublic school.

3 (d) A person who performs services as a volunteer for a
4 school district or nonpublic school and who has significant
5 contact with students enrolled in the school district or
6 nonpublic school.

7 (2) "*School employee*" does not include the following:

8 (a) A student enrolled in a school district or nonpublic
9 school.

10 (b) A person who holds a coaching authorization issued
11 under section 272.31, subsection 1, if the person is less than
12 four years older than the student with whom the person engages
13 in conduct prohibited under subsection 3, paragraph "a", and
14 the person is not in a position of direct authority over the
15 student.

16 (c) A person who performs services as a volunteer for a
17 school district or nonpublic school and who has significant
18 contact with students enrolled in the school district or
19 nonpublic school, if the person is less than four years older
20 than the student with whom the person engages in conduct
21 prohibited under subsection 3, paragraph "a", and the person is
22 not in a position of direct authority over the student.

23 Sec. 4. Section 709.15, subsection 3, Code 2016, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. c. The provisions of this subsection do
26 not apply to a person who is employed by, volunteers for, or
27 is under contract with a school district or nonpublic school
28 if the student is not enrolled in the same school district
29 or nonpublic school that employs the person or for which the
30 person volunteers or is under contract, and the person does
31 not meet the requirements of subsection 1, paragraph "f",
32 subparagraph (1), subparagraph division (a).

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill extends, from five years to 10 years, the time by
2 which actions may be brought for damages for injury suffered as
3 a result of sexual abuse by a counselor, therapist, or school
4 employee or as a result of sexual exploitation by a counselor,
5 therapist, or school employee. Further, if the victim was a
6 minor when the sexual abuse or exploitation occurred, actions
7 for damages for injury must be brought within 10 years of the
8 date the victim attains the age of 18. The bill also allows
9 minors one year from and after attainment of age 18 to make a
10 claim for damages based upon an act or omission of an employee
11 of the state or political subdivision.

12 The bill amends the definition of "school employee" in
13 the Code provision that establishes the criminal offense of
14 sexual exploitation by a school employee. Currently under
15 Code section 709.15, "school employee" is defined to include
16 any practitioner or coach who is licensed or authorized by the
17 board of educational examiners. The current definition does
18 not limit employment to a public or nonpublic school. The bill
19 amends the definition to provide that "school employee" means
20 a person who holds a license, certificate, authorization, or
21 statement of professional recognition issued by the board; a
22 person employed by a school district or nonpublic school; a
23 contract employee of a school district or nonpublic school who
24 has significant contact with students enrolled in the school
25 district or nonpublic school; or a person who performs services
26 as a volunteer for a school district or nonpublic school and
27 who has significant contact with students enrolled in the
28 school district or nonpublic school.

29 However, the bill provides that the definition of "school
30 employee" does not include a student enrolled in a school
31 district or nonpublic school, or a person who is a school
32 volunteer or who holds a coaching authorization if such person
33 is less than four years older than the student and is not in
34 a position of direct authority over the student. Further,
35 the provisions related to the definition do not apply to a

1 person who is employed by, volunteers for, or is under contract
2 with a school district or nonpublic school if the student is
3 not enrolled in the same school district or nonpublic school
4 that employs the person or for which the person volunteers or
5 is under contract, and the person does not hold a license,
6 certificate, authorization, or statement of professional
7 recognition issued by the board.

8 A person who commits sexual exploitation by a school
9 employee in violation of Code section 709.15(3) commits either
10 an aggravated misdemeanor, which is punishable by confinement
11 for no more than two years and a fine of at least \$625 but not
12 more than \$6,250; or a class "D" felony, which is punishable by
13 confinement for no more than five years and a fine of at least
14 \$750 but not more than \$7,500. Such a person must register as a
15 tier II offender on the sex offender registry if the victim is
16 13 years of age or older, or, if the victim is under 13 years
17 of age, as a tier III offender.